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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/789,748

02/27/2004

William Machala

4600-4001

9598

27123 7590 03/27/2007
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EXAMINER

SILBERMANN, JOANNE

ART UNIT

PAPER NUMBER

3611

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

03/27/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/789,748

Applicant(s)

MACHALA, WILLIAM

Examiner

Joanne Silbermann

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 6-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>3.9.07</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed 09 March 2007 fails to comply with 37 CFR 1.97(d) because it lacks a statement as specified in 37 CFR 1.97(e). It has been placed in the application file, but the information referred to therein has not been considered.
2. The information disclosure statement filed 09 March 2007 fails to comply with 37 CFR 1.97(d) because it lacks the fee set forth in 37 CFR 1.17(p). It has been placed in the application file, but the information referred to therein has not been considered.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
2. Claims 1-4 and 6-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Colting, US #5,125,177 in view of Vicino, US Re 33,709.
3. Colting teaches a cold air inflatable display including a hollow body figure (Figure 1) and interchangeable fan assembly having housing 25 and secured in an opening in the body by male and female zipper portions 23. The examiner takes official notice of the fabric commonly used to make a zipper (which is considered to be standard sized) and which can be seen in Figure 1 of Colting. This standard fabric is secured to one

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part of the zipper and is also how the zipper is secured to a device (in this case, the fan). The other part of the zipper is attached to the opening in the inflatable display.

4. Figure 2 also shows a cord for providing power to the display. The fan assembly is positioned in a lower backside above the surface touching bottom of the body (Figure 2).

5. Colting does not teach using fabric or illuminating the display. Vicino teaches an inflatable display that may be made from woven fabric (column 2 line 21). It would have been obvious to a person having ordinary skill in the art to utilize woven fabric to create the display of Colting to provide a well known, inexpensive material to create the display. Vicino teaches light fixtures 17 (having protective covers) for illuminating the display. It would have been obvious to one of ordinary skill to utilize illumination in the display of Colting so that the display may be seen at night.

6. Colting and Vicino do not specifically teach the power cord from the lights as being attached to the power cord for the fans, however it would have been obvious to one of ordinary skill in the art to utilize such an arrangement of cords if this provides the safest, most efficient use of power.

7. Colting and Vicino do not teach using three fans, however this is considered to be a duplication of known parts. It has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8. Also, it would have been obvious to one of ordinary skill to utilize additional fans if more air flow is necessary.

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8. Colting and Vicino do not specifically teach the method steps of the instant claims, however such steps (interchanging displays, unplugging power cords, etc.) would have been obvious to one of ordinary skill given the disclosures of Colting and Vicino.

Response to Arguments

9. Applicant's arguments filed 09 March 2007 regarding the fan assembled secured to the fabric have been fully considered but they are not persuasive.

10. The fan assembly shown in the reference is above the surface touching bottom of the display. It appears that Applicant wishes to argue that the fan does not touch the bottom surface of the display, however the claim language only requires that the fan be above (i.e. on top of) this surface, which is shown by Colting.

11. Applicant's arguments, see response, filed 09 March 2007, with respect to the rejection(s) of the claim(s) regarding the standard sized fabric have been fully considered and are persuasive. A new point of rejection has been made regarding the inclusion of such fabric in a zipper.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joanne Silbermann whose telephone number is 571-272-6653. The examiner can normally be reached on M-F 5:30 - 2:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 571-272-6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Joanne Silberman
Primary Examiner
Art Unit 3611

js
21 March 2007